

(SB6639)
Our File No.: 30750
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THE TRAVELERS INDEMNITY :
COMPANY AND TRAVELERS PROPERTY :
CASUALTY COMPANY OF AMERICA, :

Plaintiffs,

Civil Action No.:

Hon.:

V.

BLOCK 268, LLC, HOBOKEN LAND, LP,
TOLL BROTHERS, INC., APOLLO REAL
ESTATE ADVISORS, L.P., GMAC
INSTITUTIONAL ADVISORS, PAULUS,
SOKOLOWSKI AND SARTOR, LLC,
HUDSON TEA BUILDINGS
CONDOMINIUM ASSOCIATION, INC.,
JOHN AND TANDI ALTOMORE, LISA
BALDOWSKI, BG LEGACY R/E
HOLDINGS, LLC, MIRIAM BRODY AND
ISAAC KRAMNICK, WENDY CHAITIN,
MICHAEL CHANG, FIONA CONNEL,
PATRICK CROSETTO, JUDITH DANIELS,
JOSEPH AND ANN D'ELIA, ANTHONY
DICATALDO, DAN AND LLANA ESHEL,
ASHLER FROELKE, DONNA GOLDMAN,
ERIC AND CARL EDIGES, FRANK
HEIDINGER, BARBARA JACKSON,
GERALD KANE, JR., STACIA KARGMAN,
JEANNE KIM, YURY AND RAACHEL
KORSKY, LAURIE LARSON, STELLA
LAVIN AND ALBERTO FORERO, CHAK
AND MERCEDES LEE, KEITH LEE,
VINCENT LEVEQUE, AND MALINA

COMPLAINT FOR
DECLARATORY JUDGMENT

BAKSHI, GREGORY AND PATRICIA	:
LOFTUS, MYDA LOPEZ AND HENDRICUS	:
HELLEMONS, JASON AND ALYSSA	:
LUND, THOMAS AND SHARON LYDON,	:
LAURA AND MARC MAUCERI,	:
BRENDAN MCNAMARA AND KAREN	:
JAGATIC, VISHAL MEHTA AND	:
BHAWANA MALHORTA, ROBERT AND	:
ANN NICHOLSON, SCOTT AND MARIA	:
OBLON, ANDREA PENN, JASON AND	:
AMY PIELSON, JEFFREY AND ANDREA	:
PIETRAGALLO, ERIC RICCIADI, ARTHUR	:
ROTHSCHILD, URSULA SANJAMINO,	:
STEPHEN SAVONS, ERIC AND AMY	:
SCHMALZBAUER, FREDRICO SILVERA,	:
LIGUO SONG AND LIN TANG, CANDICE	:
STELLA AND JAN SKOVARD, STEPHEN	:
SULLIVAN, MICHELLE TOTO, DANNY	:
TSE AND YOUNG-EUN LEE, BROOKE	:
TWYFORD, JOANNES AND MARIANNE	:
VAN DOORN, SALVATORE VONA AND	:
CHRISTINE AND CHIMEDI, REENA	:
WALIA AND JOY PETERS, PHILLIP	:
WASSERMAN, MARYBETH WELCH,	:
KRETINA AND WILLIAM WRIGHT,	:
EISHUN AND MUTSUMI YAMADA,	:
CONG YU AND RONGLAI SHEN, PAIGE	:
ZAZZALI, THOMAS ANDERSON,	:
NICHOLAS ARNELI, KIM BEARDSLEY	:
AND WENDY TAIT, FRANK AND TINA	:
BERMAN, BRIAN BISOGNO, SUBHRO	:
BOSE, LORRAINE AND MURRAE	:
BOWDEN, MICHAEL AND DAMARIS	:
CARACCILO, DAMIEN CARLINO,	:
MAUREEN CARROLL, PERRY	:
CHUDNEFF, DANIEL AND DAVID CRUZ,	:
HAROLD AND CHRISTINE DAVIS, PAUL-	:
ANDRE DEEAGON, MARISA SANTORO	:
DJORGE, ANDREW FELDMAN, TIFFANIE	:
FISHER, EUGENIA FRANKENTHAL,	:
NATHAN AND ZAREEN GAUDIO, TOBIN	:
AND KELLY GAUN, SHERYL GOSKI,	:
MICHAEL HENDERSON, JR., BARBARA	:
JACKSON, BAETA JANECKA, DONALD	:
AND JIAN KIMBALL, JOANNA AND	:
DEAN KORDALIS, ALISON KRISTAK,	:

JACKLYN LEBENTAL, WEI HONG LIU	:
AND QING XUE, ANDREW LOTTMAN,	:
ANA MACIEL AND MARIA BATISTA,	:
LAURA MASTROPASQUA, KRISTEN AND	:
PETER OLNEY, MICHAEL ORLOV,	:
ALEXANDER AND LISA PHILLIPS,	:
WILLIAM POST, CYNTHIA QUINT,	:
RICHARD RINARTZ AND RAINA	:
FERRERI, TIMOTHY ROMANO,	:
NICHOLAS AND KRISTEN ROSSI, ALEX	:
RUBINO KAREN AND DAVID RUEF, ERIC	:
SANDLER, ERIC AND MICHELLE	:
SANDLER, KARA SANDLER, KARA	:
SANDLER, AMIR AND KRISTEN	:
SHECTER, ALISON SHIPITOFKY, SUE	:
ANN SIMPSON, WILLIAM AND JODIE	:
SOVAK, MORGAN THOMAS STILES,	:
ABIGAIL TROPER, DENNIS TYSBA,	:
JOANNES AND MARIANNE VAN DOORN,	:
NANCY VAZQUEZ, JOHN VELTRI,	:
MARRYANN WALBURN, TIMOTHY AND	:
ANN WALSH and JOHN AND JANE DOES	:
1-500,	:
	:
	:
Defendants.	:

Plaintiffs, The Travelers Indemnity Company and Travelers Property Casualty Company of America, (collectively referred to as "Travelers") Connecticut corporations having their principal places of business at One Tower Square, Hartford, Connecticut, being authorized to transact business in the State of New Jersey, by way of Complaint for Declaratory Judgment say:

FIRST COUNT

1. The basis for jurisdiction is diversity of citizenship pursuant to 28 *U.S.C.* § 1332. The alleged amount of the matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00. This matter is being brought pursuant to the Federal Declaratory Judgment Act, 28

U.S.C. § 2201, et seq. Venue is placed in the District Court for the District of New Jersey pursuant to 28 *U.S.C. § 1391(a)*.

2. At all times relevant hereto, defendant, Block 268, LLC (herein referred to as “268”), was a corporation organized in the State of New Jersey, having a principal place of business at 250 Gibraltar Road, Horsham, Pennsylvania 19044.

3. At all times relevant hereto, defendant, Hoboken Land, LP (herein referred to as “Hoboken Land”), was a limited partnership organized in the State of New Jersey, having a principal place of business at 3103 Philmont Avenue, Huntington Valley, Pennsylvania 19006.

4. At all times relevant hereto, defendant, Toll Brothers, Inc. (herein referred to as “Toll”), was a corporation organized in the State of Delaware, having a principal place of business at 250 Gibraltar Road, Horsham, Pennsylvania 19044.

5. At all times relevant hereto, defendant, Apollo Real Estate Advisors, L.P. (herein referred to as “Apollo”), was a limited partnership organized in the State of New York, having a principal place of business at 60 Columbus Circle, 20th Floor, New York, New York 10023.

6. At all times relevant hereto, defendant, GMAC Institutional Advisors (herein referred to as “GMAC”), was a limited liability company organized in the State of Delaware, having a principal place of business at 200 Witner Road, Horsham, Pennsylvania 19044-2213, is a potentially interested party, and is subject to joinder pursuant to *Fed.R.Civ.P.* 19 and/or 20.

7. At all times relevant hereto, defendant, Paulus, Sokolowski and Sartor, LLC (herein referred to as “PS&S”), was a corporation organized in the State of New Jersey, having a principal place of business at 67A Mountain Boulevard Extension, Warren, New Jersey, is a potentially interested party, and is subject to joinder pursuant to *Fed.R.Civ.P.* 19 and/or 20.

8. At all times relevant hereto, defendant, Hudson Tea Buildings Condominium Association, Inc. (herein referred to as “the Association”), was a non-profit corporation organized in the State of New Jersey, having a principal place of business at 1500 Hudson Street and 1500 Washington Street located in Hoboken, New Jersey, is a potentially interested party, and is subject to joinder pursuant to *Fed.R.Civ.P.* 19 and/or 20.

9. At all times relevant hereto, based upon available information, defendants John and Tandi Altomare, Lisa Baldowski, BG Legacy R/E Holdings, LLC (a New Jersey limited liability corporation, whose principal place of business is in Hoboken, New Jersey), Miram Brody and Isaac Kramnick, Wendy Chaitin, Michael Chang, Fiona Connel, Patrick Crosetto, Judith Daniels, Joseph and Ann D’elia, Anthony Dicaldo, Dan and Llana Eshel, Ashler Froelke, Donna Goldman, Eric and Carl Ediges, Frank Heidinger, Barbara Jackson, Gerard Kane, Jr., Stacia Kargman, Jeanne Kim, Yury and Raachel Korskey, Laurie Larson, Stella Lavin and Alberto Forero, Chak and Mercedes Lee, Keith Lee, Vincent Leveque and Malina Bakshi, Gregory and Patricia Loftus, Myda Lopez and Hendricus Hellemons, Jason and Alyssa Lund, Thomas and Sharon Lydon, Laura and Marc Mauceri, Brendan Mcnamara and Karen Jagatic, Vishal Mehta and Bhawana Malhorta, Robert and Ann Nicholson, Scott and Maria Oblon, Andrea Penn, Jason and Amy Pielson, Jeffrey and Andrea Pietragallo, Eric Ricciardi, Arthur Rothschild, Ursula Sanjamino, Stephen Savons, Eric and Emily Schmalzbauer, Frederico Silviera, Ligu Song and Lin Tang, Candice Stella and Jan Skovard, Stephen Sullivan, Michelle Toto, Danny Tse and Young-Eun Lee, Brooke Twyford, Joannes and Marianne Van Doorn, Salvatore Vona and Christine Chimeri, Reena Walia and Joy Peters, Phillip Wasserman, Marybeth Welch, Kretina and William Wright, Eishun and Mutsumi Yamada, Cong Yu and Ronglai Shen, Paige Zazzali, Thomas Anderson, Nicholas Arneli, Kim

Beardsly and Wendy Tait, Frank and Tina Berman, Brian Bisogno, Subhro Bose, Lorraine and Murrae Bowden, Michael and Damaris Caracciolo, Damien Carlino, Maureen Carroll, Perry Chudneff, Daniel and David Cruz, Harold and Christine Davis, Paul-Andre Deeagon, Marisa Santoro Dijorge, Andrew Feldman, Tiffanie Fisher, Eugenia Frankenthal, Nathan and Zareen Gaudio, Tobin and Kelly Gaun, Sheryl Goski, Michael Henderson, Jr., Barbara Jackson, Baeta Janecka, Donald and Jian Kimball, Joanna and Dean Kordalis, Alison Kristak, Jacklyn Lebental, Wei Hong Liu and Qing Xue, Andrew Lottman, Ana Maciel and Maria Batista, Laura Mastropasqua, Kristen and Peter Olney, Michael Orlov, Alexander and Lisa Phillips, William Post, Cynthia Quint, Richard Rinartz and Raina Ferreri, Timothy Romano, Nicholas and Kristen Rossi, Alex Rubino, Karen and David Ruef, Eric Sandler, Eric and Michelle Sandler, Kara Sandler, Amir and Kristen Shecter, Alison Shipitofsky, Sue Ann Simpson, William and Jodie Sovak, Morgan Thomas Stiles, Abigail Troper, Dennis Tysba, Joannes and Marianne Van Doorn, Nancy Vazquez, John Veltri, Maryann Walburn, Timothy and Anne Walsh and John and Jane Does 1-500 (collectively referred to as the "Individual Unit Owners") were citizens of the State of New Jersey the owners of units located in a condominium complex located at 1500 Hudson Street and/or 1500 Washington Street in Hoboken, New Jersey, are potentially interested parties, and are subject to joinder pursuant to *Fed.R.Civ.P.* 19 and/or 20.

10. The defendants, Association and Individual Unit Owners, filed a lawsuit in the Superior Court of New Jersey, Law Division, Hudson County, bearing docket number HUD-L-5338-11, seeking relief against various parties including defendants 268, Hoboken Land, Toll, GMAC, Apollo, and PS&S, regarding their alleged involvement in the management and transfer of two high rise residential condominium structures (herein referred to as "the Property") located at

1500 Hudson Street and 1500 Washington Street in Hoboken, New Jersey (herein referred to as “the Underlying Litigation”).

11. According to the complaint in the Underlying Litigation, the Property was converted to a not-for-profit condominium pursuant to the New Jersey Condominium Act.

12. According to the complaint in the Underlying Litigation, 268 sold the residential condominium units at the Property to the Individual Unit Owners and the Association assumed control of the Property in July of 2008.

13. Plaintiffs issued certain insurance policies, which included liability coverage, to defendant Hudson Tea Buildings Condominium Association that were generally in effect during the relevant time period, and no later than August of 2010, under which defendants, 268, Hoboken Land, Toll, and Apollo have requested coverage from plaintiffs for the Underlying Litigation.

14. Plaintiffs deny that they owe insurance coverage to defendants 268, Hoboken Land, Toll, and Apollo as to the Underlying Litigation, and previously reserved their rights to disclaim coverage as to the Underlying Litigation.

15. None of the claims asserted against defendants, 268, Hoboken Land, Toll, and/or Apollo in the Underlying Litigation are covered pursuant to the terms, exclusions, and conditions of any of the policies issued by any of the plaintiffs to any of the defendants.

WHEREFORE, plaintiffs demand judgment declaring that the claims asserted in the Underlying Litigation are not covered and/or are excluded from coverage under the policies issued by the plaintiffs, that plaintiffs owe no obligation to indemnify or defend 268, Hoboken Land, Toll, and Apollo and that all of the defendants are bound by the determination of this Court.

CERTIFICATION REGARDING OTHER ACTIONS

The undersigned, STUART M. BERGER, ESQ., certifies on behalf of the plaintiffs as follows:

1. I am an attorney at law of the State of New Jersey and an associate with the firm of Borowsky & Borowsky, LLC, counsel for the above named parties in the subject litigation.
2. I am not aware of any other parties who should be joined in this action at the present time.
3. This matter arises out of a complaint filed in the Superior Court of New Jersey, Law Division, Bergen County, bearing docket number HUD-L-10051-02, entitled *Hudson Tea Buildings Condominium Association, Inc., et al. v. Block 268, LLC, et al.*
4. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

BOROWSKY & BOROWSKY, LLC
Attorneys at Law
Attorneys for Plaintiffs, The Travelers
Indemnity Company and Travelers Property
Casualty Company of America

s/ 
STUART M. BERGER

Date: August 6 2013